

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 1-8-2019
TIME: 11:47 a.m. (1 hr 4 mins.)

***McDevitt v. Suffolk County, et al.*
CV 16-4164 (JFB)(AKT)**

TYPE OF CONFERENCE: **MOTIONS HEARING/STATUS CONFERENCE**

APPEARANCES: Plaintiff: Cory H. Morris

Defendants: Kyle O. Wood

(Suffolk County Police Department)

(Suffolk County Police Officers John and Jane Does # 1-10)

FTR: 11:47-12:51

SCHEDULING:

If none of the parties moves for summary judgment, the Pre-Trial Conference will be held on May 23, 2019 at 10 a.m.

THE FOLLOWING RULINGS WERE MADE:

The information which follows is a summary of today's hearing. If counsel need a more amplified record, they may contact Courtroom Deputy Mary Ryan (631-712-5765) to arrange to order a transcript.

1. **Defendants' Motion for Protective Order** [DE 74]

For the reasons stated on the record today: (a) the portion of the motion seeking a protective order precluding a deposition of Police Commissioner Hart is deemed MOOT; and (b) the application to deem plaintiff's August 10, 2018 discovery demands untimely is GRANTED and defendants are not required to respond to those demands.

2. **Plaintiff's Motion to Compel Responses to Deposition Questions** [DE 79]

The motion is GRANTED, IN PART. The deposition of the Rule 30(b)(6) witness on behalf of the Suffolk County Police Department's Internal Affairs Bureau shall be reopened so that the witness can respond to the very limited questions granted by the Court today. Defendants are obligated to prepare the witness for the deposition even if she does not have first-hand knowledge of the information sought. To the extent the current witness remains unable to respond to those questions, defendants must produce a Rule 30(b)(6) witness who can answer the questions.

3. The continued Rule 30(b)(6) deposition must be completed by February 5, 2019.
4. Defendants' IME of the plaintiff must be completed by January 23, 2019. The examining physician's (Dr. Ordway) report must be served on plaintiff's counsel by February 14, 2019. Plaintiff will have until March 19, 2019 to (a) provide an expert rebuttal report and/or (b) depose Dr. Ordway.

Counsel confirmed today that no other experts will be utilized in this case. All discovery ends on March 19, 2019.

5. Defendants' counsel is uncertain at this time whether the defendants may move for full or partial summary judgment at the close of discovery. The Court is setting a deadline of April 3, 2019 to file any letter requests for a pre-motion conference to Judge Bianco for purposes of making such a motion.

FINAL SCHEDULING ORDER:

- Deadline to complete IME of Plaintiff: January 23, 2019
- Dr. Ordway's report must be served on Plaintiff's counsel by: February 14, 2019
- Deadline to serve rebuttal report and/or Complete Dr. Ordway's deposition: March 19, 2019
- All discovery closes on: March 19, 2019
- Any letter request for a pre-motion conference conference to Judge Bianco for purposes of of making a summary judgment motion must must be filed on ECF by: April 3, 2019
- If the parties decide not to pursue summary Judgment motion practice, the proposed Joint Pre-Trial Order must be filed on ECF by: April 30, 2019
- The Pre-Trial Conference will be held on: May 23, 2019 at 10 a.m.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge